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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,115	04/23/2004	Loren Eckart	59683.000002	9016

7590 02/09/2006

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EXAMINER

TARAE, CATHERINE MICHELLE

ART UNIT PAPER NUMBER

3623

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/830,115

Applicant(s)

ECKART ET AL.

Examiner

C. Michelle Tarae

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63,74-84 and 90-102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63,74-84 and 90-102 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office Action in response to the communication received on November 23, 2005. Claims 1, 2, 24, 33, 55, 74 and 90 have been amended. Claims 64-73 and 85-89 have been canceled. Claims 100-102 have been added. Claims 1-63, 74-84 and 90-102 are now pending in this application.

Information Disclosure Statement

2. The examiner has reviewed the patent supplied in the Information Disclosure Statement (IDS) received on December 29, 2005.

Response to Amendment

3. Applicant's amendments to claims 1, 2, 24, 33, 55, 74 and 90 are acknowledged. The cancellation of claims 64-73 and 85-89 is acknowledged. The addition of claims 100-102 is acknowledged.

The amendment to claim 2 is sufficient to overcome the claim objection set forth in the previous Office Action. Therefore, the claim objection of claim 2 is withdrawn.

The amendments to claims 1 and 74 are sufficient to overcome the 35 U.S.C. 101 technological arts rejection set forth in the previous Office Action. Therefore, the 35 U.S.C. 101 technological arts rejection of claims 1-23 and 74-89 is withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 7-15, 21, 23-27, 30, 32-46, 52, 54-58, 61, 63, 74-82, 84, 90-97 and 99-102 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith, II et al. (U.S. 6,850,643).

As per claim 1, Smith, II et al. discloses a method for automated management of performance information associated with at least one business, the method comprising:

obtaining performance information associated with a business, the performance information originating from a financial accounting software system used by the business, and storing the information as electronic data on a data processing system, the performance information having a first format based on a first set of performance classifications (col. 3, lines 23-32 and 46-54; col. 4, lines 6-8; Figure 1; Legacy accounting systems of borrowing customers send financial data to the main lending system via the Internet. The financial data received from the borrowing customers may be in arbitrary formats based on the financial reports used by the legacy systems of the borrowing customers.);

converting, using an automated process executing on the data processing system, the performance information from the first format to a second format based at least in part on a mapping of one or more performance classifications of the first set of performance classifications to one or more respective performance classifications of a second set of standardized performance classifications (col. 4, lines 8-23; col. 7, lines 1-17; The arbitrary formats the financial data is received from borrowing customers are converted to predefined formats for analysis and reporting by the lending system.); and

analyzing the converted performance information based at least in part on one or more performance metrics (col. 4, lines 24-33; The converted financial data is analyzed using various reporting and analysis tools that assess risk-related metrics. Figures 25-27 show the determining of accounts payable, accounts receivable and inventory performance.); and

generating at least one electronic report based on the results of the analyzing (col. 4, lines 24-33; col. 19, lines 16-33; The system generates various reports reflecting different financial performance analyses. The reports are generated for printing as well as interactive online use.).

As per claim 2, Smith, II et al. discloses the method as in Claim 1, further comprising: generating one or more performance reports based on the analysis of the converted performance information (col. 19, lines 16-33).

As per claim 7, Smith, II et al. discloses the method ms in Claim 1, further comprising the steps of:

obtaining performance information associated with a second business, the performance information having a third format based on a third set of performance classifications (col. 3, lines 23-32 and 46-54; col. 4, lines 6-8; Figures 1 and 2; Legacy accounting systems of borrowing customers send financial data to the main lending system via the Internet. The financial data received from the borrowing customers may be in arbitrary formats based on the financial reports used by the legacy systems of the borrowing customers. Figures 1 and 2 show an exemplary network of at least two borrowing customers submitting data from their legacy systems in different formats as well as a third-party customer submitting their data in their own format.);

converting, using an automated process, the performance information associated with the second business from the third format to the second format based at least in part on a mapping of one or more performance classifications of the third set of performance classifications to one or more respective performance classifications of the second set of performance classifications (col. 12, lines 12-52; col. 14, lines 19-27; Figure 19; Data formats from borrowing customers and third-party customers are converted to different classifications of formats based on whether the data is being inputting into a database or based on the type of financial report being generated. Different financial reports require different pertinent data in specific formats; thus, each financial report has its own classification of data.); and

analyzing the converted performance information associated with the second business based at least in part on one or more performance metrics (col. 4, lines 24-33; The converted financial data is analyzed using various reporting and analysis tools that

assess risk-related metrics. Figures 25-27 show the determining of accounts payable, accounts receivable and inventory performance.).

As per claim 8, Smith, II et al. discloses the method as in Claim 7, further comprising:

generating one or more performance reports based on results of the analysis of the converted performance information associated with the second business (col. 4, lines 24-33; col. 19, lines 16-33; The system generates various reports reflecting different financial performance analyses. The reports are generated for printing as well as interactive online use.).

As per claim 9, Smith, II et al. discloses the method as in Claim 7, further comprising:

aggregating the converted performance information associated with the first and second businesses and analyzing a performance of at least one of the first and second businesses based on one or more representative performance metrics from the aggregated converted performance information (col. 17, lines 29-37; col. 18, lines 1-11, 28-35 and 54-65; Figures 25-27 show the determining of accounts payable, accounts receivable and inventory performance. Customer financial performance is aggregated, compared with loan covenants and analyzed against historical trends in similar industries.).

As per claim 10, Smith, II et al. discloses the method ms in Claim 1, wherein obtaining the performance information includes receiving the performance information as one or more data files uploaded via a website (col. 4, lines 6-8, 41-48 and 62-64; col.

7, lines 31-39 and 54-56; Figures 1 and 2; Customers may upload their financial data to the lending system via a website.).

As per claim 11, Smith, II et al. discloses the method as in Claim 1, further comprising providing the one or more performance reports to at least one requesting party (col. 3, lines 13-16; The lending system may communicate with third-party customers such as auditors.).

As per claim 12, Smith, II et al. discloses the method as in Claim 11, wherein the one or more performance reports are provided via a website (col. 1, lines 44-45; col. 4, lines 41-48; col. 7, lines 21-39; Financial data is sent and received via a web browser.).

As per claim 13, Smith, II et al. discloses the method as in Claim 1, wherein the conversion of the performance information from the first format to the second format is performed at least in part using one or more software programs (col. 4, lines 19-23; col. 12, lines 3-62; The system uses scripts to perform the conversion of financial performance data from one format to another.).

As per claim 14, Smith, II et al. discloses the method as in Claim 13, wherein the performance information is converted from the first format to the second format using a conversion map indicating correlations between performance classifications of the first set of performance classifications and performance classifications of the second set of performance classifications (col. 12, lines 12-52; col. 14, lines 19-27; Figures 19 and 24-27; Data formats are converted to different classifications of formats based on whether the data is being inputting into a database or based on the type of financial report being

generated. Different financial reports require different pertinent data in specific formats; thus, each financial report has its own classification of data.).

As per claim 15, Smith, II et al. discloses the method as in Claim 1, wherein the business is one of a group consisting of: a private business; a public business; a non-profit organization; and a government agency (col. 3, lines 13-15; col. 16, lines 63-64; items 36 and 38 in Figures 1 and 2).

As per claim 21, Smith, II et al. discloses the method as in Claim 1, further comprising:

delivering at least a portion of the converted performance information to a requesting party as one or more data files having a format compatible with software operated by the requesting party (col. 4, lines 8-11; col. 7, lines 1-10; col. 12, lines 12-23; The performance data is converted into predefined formats for use in automated analysis and reporting. The predefined formats are determined by how the performance data is to be used (i.e., submitted in a database or used for a specific financial report)).

As per claim 22, Smith, II et al. discloses the method as in Claim 1, wherein the performance information includes financial information (col. 3, lines 28-32 and 47-54; Figures 25-27 show the determining of accounts payable, accounts receivable and inventory performance, which are related to the operational performance of a business. The conversion of data formats includes both business and financial data such as financial reports, account balance, general ledger, accounts receivable and accounts payable.).

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As per claim 23, Smith, II et al. discloses the method as in Claim 1, wherein the performance information includes operational information and where one or more of the performance classifications of the first set of performance classifications includes an operational classification and one or more of the performance classifications of the second set includes an operational classification correlated to a operational classification of the first set (col. 3, lines 28-32 and 47-54; col. 16, lines 63-64; The system uses a client's operational performance of its business to assess lending information. Figures 25-27 show the determining of accounts payable, accounts receivable and inventory performance, which are related to the operational performance of a business. The conversion of data formats includes both business and financial data such as financial reports, account balance, general ledger, accounts receivable and accounts payable.).

Claims 24-27, 30, 32-46, 52, 54-58, 61, 63, 74-82, 84, 90-97 and 99-102 recite substantially similar subject matter as claims 1, 2, 7-15 and 21-23 above. Therefore, claims 24-27, 30, 32-46, 52, 54-58, 61, 63, 74-82, 84, 90-97 and 99-102 are rejected on the same basis as claims 1, 2, 7-15 and 21-23 above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-6, 16-20, 28, 29, 31, 47-51, 53, 59, 60, 62, 83 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, II et al. (U.S. 6,850,643) as applied above.

As per claims 3 and 16, Smith, II et al. discloses the method as in Claims 2 and 1, wherein the system uses alerts to send a user information or to indicate a required action (col. 4, line 66-col. 5, line 2). Smith, II et al. also discloses comparing the customer's performance data with historical and industry standards to determine a deviation (col. 18, lines 1-11). Smith, II et al. does not expressly disclose at least one alert indicator to identify whether a metric exceeds a threshold. However, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the financial performance analyses of Smith, II et al. to use alerts to indicate a variance exceeding a predetermined value or threshold as doing so would enhance the financial analyses and reporting system of Smith, II et al. by particularly pointing out how the customer compares with a specific industry standard or threshold, which further helps the lending system to determine whether or not the customer's business is viable for a credit increase or specific loan, which is the goal of the system.

As per claims 4 and 17, Smith, II et al. discloses the method as in Claims 3 and 16, wherein the predetermined value includes a value of the performance metric from a previous period (col. 18, lines 1-11; The system compares the customer's performance data with historical information and industry standards.).

As per claims 5 and 18, Smith, II et al. discloses the method as in Claims 3 and 16, wherein the predetermined value includes a target value set for the at least one performance metric (col. 17, lines 49-62; col. 18, lines 1-11; The system compares the customer's performance data with historical information and industry standards to detect deviations from some identified target value or criteria.).

As per claims 6 and 19, Smith, II et al. discloses the method as in Claims 3 and 16, wherein the predetermined value includes a value representative of performance values for other businesses (col. 18, lines 1-11; The system compares the customer's performance data with historical information and industry standards.).

As per claim 20, Smith, II et al. discloses the method as in Claim 16, wherein the alert is delivered via at least one of the group comprising: an email; a facsimile; a voice message; and a text message (col. 4, line 66-col. 5, line 2).

Claims 28, 29, 31, 47-51, 53, 59, 60, 62, 83 and 98 recite substantially similar subject matter to claims 3-6 and 16-20 above. Therefore, claims 28, 29, 31, 47-51, 53, 59, 60, 62, 83 and 98 are rejected on the same basis as claims 3-6 and 16-20 above.

Response to Arguments

8. Applicant's arguments are moot in view of the new grounds of rejections.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Speakman et al. (U.S. 5,991,741) discusses a financial analysis model;
- Lewis (U.S. 6,513,019) discusses a financial consolidation platform;
- Temkin et al. (U.S. 6,546,133) discusses a method and system for converting unstructured data into predefined formats using mapping; and
- Smith, II et al. (U.S. 6,850,908) discusses a system for monitoring collateral for lending.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae (formerly, C. Michelle Colon) whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMT
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February 3, 2006

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623